

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**In re:**

**BEN POURBABAI,**

**Debtor.**

**Case No. 18-13560-BFK**

**Chapter 13**

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

COMES NOW the Debtor, Ben Pourbabai, by counsel, and moves this Honorable Court for relief from the automatic stay pursuant to 11 U.S.C. § 362 of the Bankruptcy Code and Rule 4001 of the Bankruptcy Rules. In support of her motion, Movant respectfully states as follows:

1. This matter is a core proceeding and this Court has Jurisdiction over this proceeding pursuant to 11 U.S.C. §§ 362(d) - (f).
2. The Debtor filed for chapter 13 bankruptcy relief on October 23, 2018.
3. At the time of filing, Debtor had two legal appeals pending before other courts:
  - a. Fairfax Order. Debtor's appeal of a Fairfax Circuit Court order entered on July 26, 2017 asserting that the court lacked subject matter jurisdiction over the matters of custody, visitation, and equitable distribution. Debtor further asserted the court erred in its equitable distribution award to Debtor's ex-wife.
4. District of Columbia Order. Debtor appealed a default judgment against Debtor in the amount of \$115,000.
5. Debtor seeks an Order from this Court to allow his appeals to continue.

WHEREFORE, the Debtor respectfully requests the Court enter an Order granting the following:

- A. Relief from the automatic stay to proceed with his appeal of the Fairfax Circuit Court's final order of divorce;
- B. Relief from the automatic stay to proceed with his appeal of the District of Columbia court default judgment order; and
- C. For such other and further relief as the Court deems proper.

Dated this 24th day of October 2018.

Respectfully Submitted,  
BEN POURBABAI  
By Counsel

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By: /s/ Fenlene H. Edrington  
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Counsel for Debtor

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was served on this 24<sup>th</sup> day of October, 2018 electronically via CM/ECF, to authorized users, to all parties entitled to receive notice hereof.

/s/Fenlene H. Edrington  
Fenlene H. Edrington, VSB #82067

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